

REMARKS

Claims remaining in the present patent application are Claims 1-6 and 13-24. The Applicants respectfully request reconsideration of the above captioned patent application in view of the following remarks.

Response to Arguments

The rejection argues that the taught “car kit” is “known as a light weight and portable (or handheld) device.” The rejection cites a website allegedly located at www.motorola.com/bluetooth/products/products_carkit.html as evidence to support the Examiner’s statement. Applicants traverse.

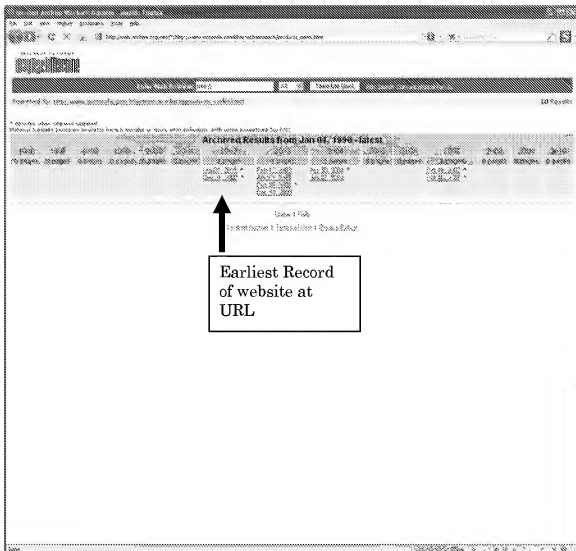
The rejection does not include this website as a basis of rejection. The rejection’s attempt to rely on this additional reference, which not set forth in the rejection, especially for an anticipation rejection under 35 U.S.C. § 102, is improper.

The rejection does not provide a copy of the content of the alleged website. Per MEPE § 707.05(a), copies of non-patent literature, such as the referenced website, are to be provided to Applicants. The rejection is, accordingly, deficient for at least this reason. Moreover, such deficiency is of such magnitude that

Applicants are unable to constructively respond to the rejection's allegations, as Applicants are unable to review the alleged content of the website.

Applicants can find no content at the given URL. The given URL automatically redirects to <http://direct.motorola.com/hellomoto/bluetoothpromotion/bluetooth.asp>. Applicants find this site absolutely silent as to teaching that a “car kit” is in any manner “light weight and portable (or handheld) device,” as alleged by the rejection. The rejection's allegation is unsupported.

The Internet Archive, a.k.a. the “Wayback Machine,” indicates that no website with the URL given in the rejection existed prior to October 3, 2002. This earliest date post dates the priority date of the present application (2/25/2002). Accordingly, the website is not prior art under 35 U.S.C. § 102. The rejection presents absolutely no evidence of a date for the website, much less a date that would qualify the alleged website as prior art.



Moreover, the Examiner's attention is directed to the Motorola Bluetooth "Bluetooth Wireless Hands Free Car Kit User's Guide," 2002, ("Guide") downloaded from http://www.motorola.com/mdirect/manuals/BTCarKit_User_Manual_E.pdf, and set forth in the accompanying Information Disclosure Form.

As taught on page 1 of the Guide, the car kit can sense ignition of the automobile. This feature teaches that the car kit is intended to be installed in an automobile, and is not “light weight and portable (or handheld) device,” as alleged by the rejection.

As taught on page 5 of the Guide:

Mount components securely on strong surfaces to prevent shifting that could cause injury or interfere with safe vehicle operation. Always use the supplied mounting hardware (emphasis added)

The instructions to “mount” and “mounting hardware,” as taught, teach away from “light weight and portable (or handheld) device,” as alleged by the rejection.

The Guide further teaches, “mounted components and attached wires or cables must not interfere with seating or leg space. The taught cautions regarding interference “with seating or leg space” teaches away from “light weight and portable (or handheld) device,” as alleged by the rejection.

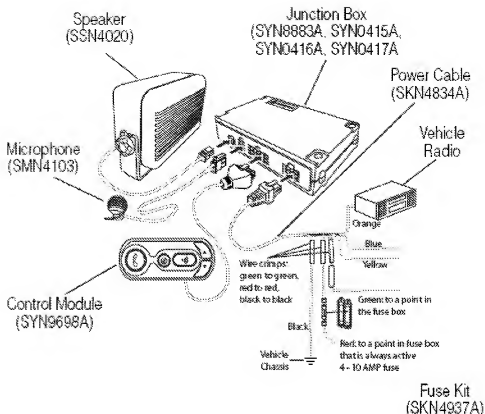
The Guide teaches further still:

This car kit is intended for use in 12 volt negative ground systems only. The car kit draws less than 3 amps. Confirm that the vehicle's electrical system can supply this current. (emphasis added)

Not only does this passage teach vehicle operation, the teaching of use only in a “12 volt negative ground system” teaches away from “light weight and portable (or handheld) device,” as alleged by the rejection. Further, this passage teaches that the car kit is dependent on a “vehicle’s electrical system,” and not its own batteries. Accordingly, the vehicle kit is not portable or hand held, as alleged.

As taught on page 7 of the Guide, the car kit’s speaker is to be mounted “to the transmission hump or beneath the dash.” Applicants respectfully assert that hands do not have “transmission humps” or “dash(boards)” as taught. Accordingly, this passage teaches away from a “(handheld) device,” as alleged by the rejection.

As taught on page 6 of the Guide, the car kit comprises numerous parts, most of which are designed to be mounted to the vehicle, e.g., the speaker, the junction box, the fuses, microphone, and are coupled via numerous wires. In addition, the car kit is intended to be coupled to the vehicle’s radio.



Applicants respectfully assert that such a collection of parts, taught to be mounted to a vehicle, taught to interface with other vehicle components, e.g., the vehicle's radio and ignition, and coupled by numerous wiring harnesses, teaches away from "light weight and portable (or handheld) device," as alleged by the rejection.

In summary, a car kit, as taught by the Guide, is large, heavy, attached to a vehicle, and most definitely not hand held, as recited.

The rejection's allegations are contradicted by this evidence, and are not supported by the mere allegation presented in the rejection. Accordingly, the rejections are overcome.

As previously presented, the cited and relied-upon reference Larsson teaches numerous car-specific actions of the car kit, including:

any action that the car can sense, including actuating the car ignition key, a seat sensor detecting the driver sitting on the car's seat, a tilt sensor detecting the door being opened, a burglar alarm de-initiation, or any other event which can be determined by any circuitry in the car (column 3, line 50 *et seq.*, emphasis added).

Accordingly, the car kit taught by the cited reference Larsson must have numerous interfaces to various vehicle sensors. The rejection does not appear to appreciate such taught interconnections. Applicants assert that this passage, as well as the whole of the cited reference, teach a car kit that is affixed to and installed in a car, and that a car kit is not hand held.

U.S.C. § 102

Claims 1-3, 3-15 and 19-21 stand rejected under 35 U.S.C. § 102(e) as being allegedly unpatentable over Larsson (US 6,697,638, "Larsson").

Applicants assert that Claims 1-3, 3-15 and 19-21 are patentable over Larsson for the following reasons.

With respect to independent Claim 13, Applicants respectfully assert that Larsson fails to teach or suggest the claimed limitations of:

in response to a request from said first hand-held computer system to establish communication between said first and second hand-held computer systems, accessing said device identification of said first hand-held computer system on said second hand-held computer system

as recited by Claim 13.

In contrast, Larsson is directed to a radio integrated into an automobile (e.g., a “car kit”). Applicants respectfully assert that a car kit installed in an automobile fails to teach or suggest the claimed limitations of first and/or second “hand-held” computer systems. Moreover, Larsson’s teaching of car specific events, e.g., “detecting the door being opened,” leads away from hand-held devices, which do not have such features, e.g., passenger entry doors.

For this reason, Applicants respectfully assert that Claim 13 overcomes the rejections of record, and respectfully solicit allowance of this Claim.

In the “Response to Arguments” section, the rejection alleges that the taught “car kit” is “light weight and portable (or handheld).” Applicants traverse. The alleged teaching is not to be found in the reference. For example, the terms “weight” or “mass” do not appear in the cited reference. Applicants assert that any reference, including Larsson, is fundamentally unable to teach or suggest that something is “light weight,” as alleged by the rejection, without the use of terms related to weight. Accordingly, Larsson does not teach that anything, much less the taught “car kit,” is “light weight.”

The Examiner is invited to introduce additional evidence to demonstrate that “car kits” are inherently “light weight and portable (or handheld)” as alleged, or to withdraw the rejection.

In addition, Applicants respectfully assert that the cited reference teaches a “vehicle-mounted phone part 160” (line 38 *et seq.*, emphasis added). In alleging a teaching of “hand held,” the rejection ignores the plain meaning of “hand held,” and further ignores the plain meaning of “vehicle-mounted,” which directly teaches away from “hand held.”

Moreover, Larsson specifically teaches that the “car kit” is “powered from the automobile’s battery” and further requires use of the “external antenna on the automobile” (column 2 lines 40-43). Applicants assert that one of ordinary

skill in the art would not understand a device requiring an automobile battery, which may weigh in excess of 40 pounds, and further requires an antenna attached to an automobile, which may weigh several thousand pounds, to be “lightweight,” “portable” or “handheld” as alleged by the rejection.

The Examiner is invited to introduce additional evidence to demonstrate that systems requiring an “automobile’s battery” and use of the “external antenna on the automobile” are inherently “light weight and portable (or handheld)” as alleged, or to withdraw the rejection.

Applicants respectfully assert that Claims 14-18 overcome the rejections of record by virtue of their dependency, and respectfully solicit allowance of these Claims.

Claims 1-3 and 19-21 stand rejected for the same reasons as set forth in Claims 13-15, “as method.” Applicants respectfully assert that Claims 1-3 and 19-21 overcome the rejections of record for at least the rationale previously presented with respect to Claim 13, and respectfully solicit allowance of these Claims.

U.S.C. § 103

Claims 4, 5, 16, 17, 22 and 23 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Larsson (US 6,697,638, “Larsson”) in view of Phillipps (WO 02/09362, “Phillipps”). Applicants respectfully assert that embodiments of the present invention as recited in Claims 4, 5, 16, 17, 22 and 23 are patentable over Larsson in view of Phillipps for the following reasons.

Applicants respectfully assert that Claims 4, 5, 16, 17, 22 and 23 overcome the rejections of record by virtue of their dependency, and respectfully solicit allowance of these Claims.

In addition with respect to Claim 16, Applicants respectfully assert that Larsson in view of Phillipps fails to teach or suggest the claimed limitations of “displaying a representation of said device identification on a display of said second hand-held computer system” as recited by Claim 16. The rejection concedes that Larsson does not mention this element, and introduces Phillipps to correct this deficiency of Larsson.

In contrast, Larsson is directed to a radio integrated into an automobile (e.g., a “car kit”). Applicants respectfully assert that a car kit installed in an automobile fails to teach or suggest the claimed limitations of first and/or

second “hand-held” computer systems. Moreover, Larsson’s teaching of car specific events, e.g., “detecting the door being opened,” leads away from hand-held devices, which do not have such features, e.g., passenger entry doors. For this additional reason, Applicants respectfully assert that Claim 16 overcomes the rejections of record, and respectfully solicit allowance of this Claim.

Claims 6, 18 and 24 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Larsson (US 6,697,638, “Larsson”) in view of Johansson et al. (US 2002/0044549, “Johansson”). Applicants respectfully assert that embodiments of the present invention as recited in Claims 6, 18 and 24 are patentable over Larsson in view of Johansson for the following reasons.

Applicants respectfully assert that Claims 6, 18 and 24 overcome the rejections of record by virtue of their dependency, and respectfully solicit allowance of these Claims.

In addition with respect to Claims 6, 18 and 24, Applicants respectfully assert that Larsson in view of Johansson fails to teach or suggest the claimed limitations of “responsive to a failure of (establishing a Bluetooth connection between said second hand held computer system and said first hand held computer system), beginning said Bluetooth discovery process” as recited by Claims 6, 18 and 24.

In contrast, Larsson is directed to a radio integrated into an automobile (e.g., a “car kit”). Applicants respectfully assert that a car kit installed in an automobile fails to teach or suggest the claimed limitations of first and/or second “hand-held” computer systems. Moreover, Larsson’s teaching of car specific events, e.g., “detecting the door being opened,” leads away from hand-held devices, which do not have such features, e.g., passenger entry doors. For this additional reason, Applicants respectfully assert that Claims 6, 18 and 24 overcome the rejections of record, and respectfully solicit allowance of these Claims.

CONCLUSION

Claims remaining in the present Patent Application are Claims 1-6 and 13-24. The Applicants respectfully request reconsideration of the above captioned patent application.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Please charge any additional fees or apply any credits to our PTO deposit account number: 504160.

Respectfully submitted,

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